

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

UNITED STATES OF AMERICA

v.

DENNIS PATRICK MEEHAN HUGHES

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CRIMINAL NO. 3:15-CR-11

**GOVERNMENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A
RESPONSE**

The United States of America, by and through Kenneth Magidson, United States Attorney, and Sherri L. Zack, Assistant United States Attorney for the Southern District of Texas, requests an extension of the current response date and in support shows the following:

I.

On March 22, 2016, the Defendant entered a guilty plea, without a plea agreement, to the three count indictment against him. He is charged with one count of receipt of child pornography in violation of 18 U.S.C. §2252A(a)(2)(B) and (b)(1); one count of access with intent to view in violation of 18 U.S.C. §2252A(a)(5)(B) and (b)(2); and one count of possession of child pornography in violation of 18 U.S.C. §2252A(a)(5)(B) and (b)(2). The case is currently set for sentencing on July 1, 2016.

II.

The government's case is the result of a national investigative operation that came to be known as Operation Pacifier which identified hundreds of offenders located in the United States. The cases have generated a great deal of litigation throughout the country. Most recently there have been motions to suppress filed based on the government's use of a court ordered Network Investigative Tool (NIT). The motions to suppress have been denied in at least four instances.

One motion was granted by a district court and a federal magistrate has recommended granting a motion in another district. There has been no litigation of this issue in the Southern District of Texas.

III.

Defendant filed his motion to withdraw his plea on May 16, 2016. This Court entered an order on May 20, 2016 requiring a response by the Government by May 23, 2016. Because of the national implications these cases are going to have, the Department of Justice needs to respond with one voice. The Government is requesting this Court extend the response deadline to May 27, 2016 in order to allow for consultation with the Department of Justice in Washington D.C. specifically, the Child Exploitation and Obscenity Section.

IV.

The Government has consulted with Defense Counsel Neal Davis and he is unopposed to this motion for extension of time to file a response. The Government is not seeking an extension of the hearing set for June 1, 2016 at 2:30pm. The Government respectfully requests a short continuance of the response deadline to May 27, 2016.

Respectfully submitted,

KENNETH MAGIDSON
United States Attorney

/s/ Sherri L. Zack
Sherri L. Zack
Assistant United States Attorney
713/567-9374

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Government's Motion for Extension of Time has been emailed to Neal Davis, counsel for the Defendant, on this 20th day of May 2016.

/s/ Sherri L. Zack

Sherri L. Zack

Assistant United States Attorney

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ORDER

The government's unopposed Motion for Extension of Time to Respond is GRANTED.

George C. Hanks, Jr.
United States District Judge